

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No. 91610  
8/23/01  
YOR919940252US11

In re Application of: Chainer et al.

Application No. 09/723,362

Filed: 11/27/00

For: **METHOD AND APPARATUS FOR CORRECTING FOR SYSTEMATIC ERRORS IN TIMING PATERN  
GENERATION**

The owner, International Business Machines Corporation of 100.00 percent  
interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of  
any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term  
defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent  
granted on pending second Application Number 09/145,930, filed on September 03, 1998

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and  
during such period that it and any patent granted on the second application are commonly owned. This agreement  
runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant  
application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and  
173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent  
grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable,  
is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under  
37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior  
to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government  
agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on  
information and belief are believed to be true; and further that these statements were made with the knowledge that  
willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of  
Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or  
any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \$110.00 and is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment,  
to Deposit Account Number 50-5010 (IBM). A duplicate copy of this sheet is enclosed.

PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

Blanche E. Schiller  
Signature

Dated: August 23, 2001

Name and Address of Person Signing

**Blanche E. Schiller, Esq.**  
Reg. No. 35,670  
**HESLIN ROTHENBERG FARLEY & MESITI P.C.**  
5 Columbia Circle  
Albany, NY 12203  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579

I certify that this document and fee is being deposited on  
August 23, 2001 with the U.S. Postal Service as first  
class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

Blanche E. Schiller  
Signature of Person Mailing Correspondence

**Blanche E. Schiller**

Typed or Printed Name of Person Mailing Correspondence